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10/005,213	12/04/2001	Michael T. Tessmer	29757/AG54	6792

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EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/005,213

Applicant(s)

TESSMER ET AL. *cm*

Examiner

Scott E. Jones

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-13, 16-38, 43-55 and 58-90 is/are rejected.
- 7) ☒ Claim(s) 8-10, 14, 15, 39-42, 56 and 57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because:

- text in boxes (162) and (165) are cut off.
- duplicate accounting networks (164) and (170) are shown in figure 1.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

- In paragraph 27, line 7, “play” is misspelled “pla,y”.
- In paragraph 28, line 6, two periods are placed at the end of the sentence ending with the word “monitoring”.
- In paragraph 39, line 4, no space is provided between “computer” and “240”.

The list provided above is not intended to be an exhaustive list of all the informalities in the specification. Applicant should review the specification and submit corrections for all informalities including those noted above. Correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-6, 11, 18-19, 21, 27, 29, 31-32, 34-37, 43, 49-51, 53-55, 59-63, 70-71, 73-74, 76, 80-81, and 83-85 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagao et al. (U.S. 5,645,486).

Nagao et al. discloses a progressive gaming system in which a lottery is performed with a winning probability corresponding to the amount of coins that a player has bet, so that all players have a chance to receive the progressive bonus in the lottery when getting a predetermined winning combination. Additionally, Nagao et al. discloses:

Regarding Claims 1, 34, 36, 60, 61, 63, 70, 73, 74, 76, 80, 83, and 85:

- providing a bonus event computer (master controller 25) configured for operating a bonus event raffle thereon; operably coupling a plurality of gaming machines configured to generate a series of random outcomes in operative communication with said bonus event computer (abstract, Figs. 1, 2, 4, 5, 6, column 2, lines 39-45, and column 3, line 60-column 4, line 46);
- each of said plurality of gaming machines configured to provide an entry into said bonus event raffle upon an occurrence of at least one predetermined activity associated with that said gaming machine (column 2, lines 39-45);
- providing an entry into said bonus event raffle upon each said occurrence of said at least one predetermined activity associated with any of said plurality of gaming machines (column 2, lines 39-45);
- tracking each said entry in a set of said entries, said tracking including storing an identity of a holder of each said entry (column 6, lines 53-58);

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- randomly selecting at least one raffle winning entry from said set of said entries in response to a bonus event trigger (claim 1); and
- awarding a bonus prize to a holder of said at least one raffle winning entry (claim 1).

Regarding Claim 2:

- said tracking of entries is accomplished utilizing said bonus event computer (column 5, lines 24-30 and column 6, lines 47-67).

Regarding Claim 3:

- said randomly selecting said at least one raffle winning entry is accomplished utilizing said bonus event computer (claim 1).

Regarding Claim 4:

- further including designating each said holder as a gaming machine providing a said entry (column 6, lines 53-58).

Regarding Claim 5:

- awarding said bonus prize comprises paying a bonus prize at one of said plurality of gaming machines (claim 1).

Regarding Claim 6:

- including designating said holder as a player making a wager at a gaming machine of the plurality (column 6, lines 53-58).

Regarding Claims 18, 31, and 37:

- said at least one predetermined activity comprises a specific predetermined random outcome (royal flush) of a primary game enabled in response to a wager placed on a gaming machine of said plurality (column 4, lines 1-5).

Regarding Claims 19, 32, 71, and 81:

- said at least one predetermined activity comprises a wager of a predetermined value being placed on a gaming machine of said plurality (column 2, lines 50-57 and column 10, lines 1-5).

Regarding Claim 21:

- said bonus event trigger comprises a specific predetermined random outcome of a primary game enabled in response to a wager placed on any of said plurality of gaming machines (column 2, lines 39-45 and column 4, lines 1-5).

Regarding Claims 27, 35, 54, and 84:

- wherein said bonus prize is a progressive bonus funded by a percentage of selected wagers placed on said plurality of gaming machines to enable play of a primary game thereon (abstract, column 2, lines 45-49 and column 9, lines 35-37).

Regarding Claim 29:

- placing a wager with a first gaming machine which is configured for play of a primary game (abstract, Figs. 1, 2, 4, 5, 6, column 2, lines 39-45, column 3, line 60-column 4, line 46, and claim 1); and
- qualifying for participation in a randomly determined bonus raffle by obtaining an entry upon an occurrence of a specific predetermined activity on said first gaming machine (abstract, Figs. 1, 2, 4, 5, 6, column 2, lines 39-45, column 3, line 60-column 4, line 46, and claim 1); and

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- participating in said randomly determined bonus raffle upon an occurrence of a bonus trigger event (abstract, Figs. 1, 2, 4, 5, 6, column 2, lines 39-45, column 3, line 60-column 4, line 46, and claim 1).

Regarding Claim 43:

- said bonus trigger event comprises a specific predetermined random outcome (royal flush) of said primary game enabled in response to said wager placed on said first gaming machine (column 4, lines 1-5).

Regarding Claim 49:

- a bonus event controller (abstract, Figs. 1, 2, 4, 5, 6, column 2, lines 39-45, column 3, line 60-column 4, line 46, and claim 1);
- a plurality of gaming units in operative communication with said bonus event controller, each of said plurality of gaming units configured to generate a random outcome in play of a primary game and to provide a qualification to participate in a bonus event raffle upon an occurrence of a predetermined activity (abstract, Figs. 1, 2, 4, 5, 6, column 2, lines 39-45, column 3, line 60-column 4, line 46, and claim 1).

Regarding Claim 50:

- each of said gaming units comprises a microprocessor (500) for producing said random outcome (Fig. 5 and column 5, lines 4-8).

Regarding Claims 51, 62, 73, and 80:

- said microprocessor comprises a random number generator. Although Nagao et al. lacks explicitly stating a microprocessor comprises a random number generator, inherently, a random number generator is used to generate random outcomes which

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are analyzed to determine whether a predetermined winning combination is obtained (column 2, lines 39-54).

Regarding Claim 53:

- each of said gaming units is configured to award a raffle bonus prize in response to a command from said bonus event controller (abstract, Figs. 1, 2, 4, 5, 6, column 2, lines 39-45, column 3, line 60-column 4, line 46, and claim 1).

Regarding Claim 55:

- each of said gaming units is configured to enable a player thereat making a wager to be uniquely identified (column 6, lines 53-58).

Regarding Claim 59:

- said bonus event controller comprises a bonus event computer (400) (Fig. 4).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 11-13, 16-17, 20, 22-26, 28, 30, 33, 38, 44-48, 52, 58, 64-69, 72, 75, 77-79, 82, and 86-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagao et al. (U.S. 5,645,486) in view of DeFrees-Parrott et al. (U.S. 2001/0036855).

Nagao et al. discloses to one having ordinary skill in the art that as discussed above regarding claims 1-6, 11, 18-19, 21, 27, 29, 31-32, 34-37, 43, 49-51, 53-55, 59-63, 70-71, 73-74, 76, 80-81, and 83-85. However, Nagao et al. seems to lack explicitly stating:



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Regarding Claim 7:

- comprising uniquely identifying said player.

Regarding Claim 11:

- including conducting said bonus event raffle after said uniquely identified player ceases playing a first gaming machine of said plurality of gaming machines and associating said bonus prize with said uniquely identified player.

Regarding Claims 12, 78, and 79:

- awarding said bonus prize comprises crediting said bonus prize to a player tracking account associated with said uniquely identified player.

Regarding Claims 13 and 77:

- awarding said bonus prize comprises awarding said bonus prize to said uniquely identified player upon an initiation of a subsequent session of play by said uniquely identified player.

Regarding Claims 16, 25, 47, 67, and 89:

- configuring said bonus event trigger as a request to be submitted by said uniquely identified player.

Regarding Claims 17, 48, and 90:

- said bonus event raffle is a limited bonus event raffle, resulting in a bonus prize awarded only if said uniquely identified player is selected as said at least one raffle winning entry.

Regarding Claims 20 and 33:

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- at least one predetermined activity comprises a predetermined number of wagers being placed at a gaming machine of said plurality.

Regarding Claims 22, 44, 64, 72, 82, and 86:

- said bonus event trigger comprises a predetermined number of wagers being placed collectively on said plurality of gaming machines.

Regarding Claims 23, 45, 65, and 87:

- said bonus event trigger comprises passage of a predetermined amount a time.

Regarding Claims 24, 46, 66, and 88:

- said bonus event trigger comprises a preselected time.

Regarding Claims 26 and 68:

- said bonus event raffle is a limited bonus event raffle, resulting in a bonus prize awarded only when said entry selected as said at least one raffle winning entry is associated with said one gaming machine.

Regarding Claims 28 and 69:

- each of said gaming machines of said plurality is configured to continue to provide entries into said bonus event raffle until said bonus event trigger occurs.

Regarding Claim 38:

- retaining said entry to a bonus raffle event upon leaving said first gaming machine.

Regarding Claims 52 and 75:

- said plurality of gaming units comprises at least one gaming unit located at each of at least two mutually remotely located sites.

Regarding Claim 58:

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- each of said gaming units is configured to award a uniquely identified player a bonus award obtained in said bonus event raffle during said player's absence, upon a later identification of said uniquely identified player.

DeFrees-Parrott et al. like Nagao et al. teaches of a lottery game associated with a casino game of chance. Therefore, DeFrees-Parrott et al. and Nagao et al. are analogous art.

Furthermore, DeFrees-Parrott et al. teaches of a method and system comprising at least one casino game of chance and a lottery game device that provides a lottery game, providing a player with an opportunity to play the casino game, and providing the player an opportunity to play the lottery game upon the occurrence of a predetermined event during the play of the casino game of chance. DeFrees-Parrott et al. additionally teaches:

Regarding Claim 7:

- comprising uniquely identifying said player (paragraph 27).

Regarding Claim 11:

- including conducting said bonus event raffle after said uniquely identified player ceases playing a first gaming machine of said plurality of gaming machines and associating said bonus prize with said uniquely identified player (paragraphs 13-35).

Regarding Claims 12, 78, and 79:

- awarding said bonus prize comprises crediting said bonus prize to a player tracking account associated with said uniquely identified player (paragraphs 27 and 46).

Regarding Claims 13 and 77:

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- awarding said bonus prize comprises awarding said bonus prize to said uniquely identified player upon an initiation of a subsequent session of play by said uniquely identified player (paragraphs 13-35).

Regarding Claims 16, 25, 47, 67, and 89:

- configuring said bonus event trigger as a request to be submitted by said uniquely identified player (paragraphs 13-35).

Regarding Claims 17, 48, and 90:

- said bonus event raffle is a limited bonus event raffle, resulting in a bonus prize awarded only if said uniquely identified player is selected as said at least one raffle winning entry (paragraphs 13-35).

Regarding Claims 20 and 33:

- at least one predetermined activity comprises a predetermined number of wagers being placed at a gaming machine of said plurality (paragraphs 17-26).

Regarding Claims 22, 44, 64, 72, 82, and 86:

- said bonus event trigger comprises a predetermined number of wagers being placed collectively on said plurality of gaming machines (paragraphs 17-26).

Regarding Claims 23, 45, 65, and 87:

- said bonus event trigger comprises passage of a predetermined amount a time (paragraphs 17-26).

Regarding Claims 24, 46, 66, and 88:

- said bonus event trigger comprises a preselected time (paragraphs 17-26).

Regarding Claims 26 and 68:

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- said bonus event raffle is a limited bonus event raffle, resulting in a bonus prize awarded only when said entry selected as said at least one raffle winning entry is associated with said one gaming machine (paragraphs 13-35).

Regarding Claims 28 and 69:

- each of said gaming machines of said plurality is configured to continue to provide entries into said bonus event raffle until said bonus event trigger occurs (paragraph 27).

Regarding Claim 38:

- retaining said entry to a bonus raffle event upon leaving said first gaming machine (paragraph 39).

Regarding Claims 52 and 75:

- said plurality of gaming units comprises at least one gaming unit located at each of at least two mutually remotely located sites (paragraph 39).

Regarding Claim 58:

- each of said gaming units is configured to award a uniquely identified player a bonus award obtained in said bonus event raffle during said player's absence, upon a later identification of said uniquely identified player (paragraphs 13-35).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the bonus trigger features of DeFrees-Parrott et al. in Nagao et al. One would be motivated to do so because each trigger feature gives a player an entry into a lottery game with an opportunity to win a large prize each time a player gambles or spends money making the gaming machines in a casino(s) more entertaining.

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*Allowable Subject Matter*

7. Claims 8-10, 14-15, 39-42, and 56-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record seems to lack disclosing or suggesting permitting a player to remove at least one entry from the bonus event raffle to be played at another time.

*Conclusion*


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Okuniewicz '589, Kiely et al. '691, Webb '307, Olsen '273, Stefan '277, Okuda et al. '484, and Ogawa '794 disclose gaming machines having lottery bonus features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1148. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ  
sej

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700